



2003

TRNGCOM COMMANDER'S CONFERENCE

Office of the Staff Judge Advocate

Major Valerie Danyluk

Training Command Legal Section

Captain Cherr Hester



TOPICS



- Officer Misconduct
- Quarterly Legal Report
- Request for Legal Services
- Command Investigations
- Request Mast
- Non-Judicial Punishment Appeals
- Separation Packages



OFFICER MISCONDUCT



- MCO P5800.16A, Chap 4
- Corrective action will be initiated immediately, pursued vigorously, and resolved swiftly
- Report of Misconduct/Preliminary Investigation
- Students and permanent personnel



QUARTERLY LEGAL REPORT



- JAGINST 5800.9A
- Criminal Activity, Disciplinary Infractions, and Courts-Martial
- Students and permanent personnel
- Disposition of drug offenses
- Report on monthly SREIS Report



REQUEST FOR LEGAL SERVICES



- Submit Request for Legal Services directly to the Military Justice Chief, Office of the Staff Judge Advocate, MCB Quantico, VA for review and recommendations.
- Include all evidence available to support alleged offense(s) and the SRB/OQR of the accused.
- Detachment Commanders, with the rank of LtCol and above, have SPCM Convening Authority and should submit Request for Legal Services to the local Office of the Staff Judge Advocate, Military Justice Chief.



COMMAND INVESTIGATIONS



- JAGMAN 5800.7C
- Preliminary Inquiries
- Investigating Officers
- Commanders final review



REQUEST MASTS



- Training Command Order 1700.2.
- Training Command is the immediate Commanding General for all formal school and detachment Request Masts. Request Masts will not be forwarded to higher headquarters unless directed by the Commanding General.
- Request Masts shall be forwarded directly to the Sergeant Major by the most expeditious means available for action by the Commanding General.



NON-JUDICIAL PUNISHMENT APPEALS



- NJP Appeals shall be forwarded to the Commanding General via:
- OFFICE OF THE STAFF JUDGE ADVOCATE
ATTN: REVIEW OFFICER
3250 CATLIN AVENUE
QUANTICO, VA 22134
- POC is Capt M. Eby and SSgt J. Gomes,
Review Section, DSN 278-3688 or
Commercial (703) 784-3688



ADMINISTRATION SEPARATIONS



- Administration Separation packages shall be forwarded directly to the:
- OFFICE OF THE STAFF JUDGE ADVOCATE
ATTN: ADMIN LAW SECTION
3250 CATLIN AVENUE
QUANTICO, VA 22134
- POC is Sgt M. Wenier, Admin Law Chief, DSN 278-2776 or Commercial (703) 784-2776 or Mrs. Shirley Bates, Paralegal Specialist, DSN: 278-3692 or Commercial (703) 784-3692



ADMINISTRATION SEPARATIONS



- The SJA will provide the Commanding General with a legal review of the package and prepare correspondence for recommendations by the Commanding General.



TRAINING COMMAND LEGAL SECTION



LEGAL OFFICER
CAPT C. HESTER

LEGAL CHIEF
GYSGT C. REGISTER

LEGAL CLERK
LCPL B. LEE



TRAINING COMMAND



POINTS OF CONTACT

- Legal Officer, Capt Cherr Hester
 - Phone: DSN 278-5042
 - E-mail: hesterca@tecom.usmc.mil
- Legal Chief, GySgt C. Register
 - Phone: DSN 278-0029
 - E-mail: registerc@tecom.usmc.mil
- Legal Clerk, LCpl B. Lee
 - Phone: DSN 278-0033
 - E-mail: leebe@tecom.usmc.mil



ADDRESS FOR FEDERAL EXPRESS DELIVERY



COMMANDING GENERAL

TRAINING COMMAND

ATTN: LEGAL SECTION

1ST DECK, BLDG 1019

1019 ELLIOT ROAD

QUANTICO, VA 22134

TRAINING COMMAND ORDERS AND POLICY LETTERS ARE ONLINE AT:

<http://www.tecom.usmc.mil/tcom/>

ADDITIONAL LEGAL INFORMATION IS AVAILABLE ONLINE AT:

<http://www.brig.quantico.usmc.mil/>

<http://www.quantico.usmc.mil/SJA/index.htm>

<http://sja.hqmc.usmc.mil/>



MILITARY JUSTICE



OFFICE OF THE STAFF JUDGE ADVOCATE
Major Valerie Danyluk



TOPICS



- When An Incident Occurs
- Positive Urinalysis
- Off Base Offenses
- After Minor Incidents
- Service of Subpoenas
- Pre-Trial Confinement
- Courts-Martial



WHEN AN INCIDENT OCCURS



- Secure the area, safeguard troops & property
- Gather preliminary facts
- Do NOT interview suspects or search
- Contact superior commander, SJA, or NCIS
- Make proper and informed decisions after the i
- Pretrial Confinement?
- Speed up the investigation (Legal Officer conta
Trial Counsel)



POSITIVE URINALYSIS

- CID interview!!
 - Source/Leads
 - Opportunity for Exculpatory Polygraph
- NJP
 - Quick and efficient
 - BCD unlikely at SPCM
- Mandatory processing for Administrative Separation
 - Ordinarily OTH, but CG can retain



OFF BASE OFFENSES



- Contact SJA regarding jurisdictional issues and request for authority to conduct NJP or Courts-Martial (refer to JAGMAN para 0124)
- May process for administrative separation without waiting for a conviction (Commission of Serious Offense)



AFTER MINOR INCIDENTS

- Review SRB for Administrative Separation
- Either process for Administrative Separation or make a Page 11 counseling entry
 - Many Administrative Separations require a Page 11 warning and subsequent misconduct before processing



SERVICE OF SUBPOENAS



- Contact SJA immediately
- Do NOT provide witnesses or documents for civilian case unless approved by SJA
- All subpoenas are served at the Law Center, not at the command (usually divorce petitions, repossession, etc.)
- Do NOT provide copies of JAGMAN investigations outside official channels



PRE-TRIAL CONFINEMENT

- Elements which must exist before pretrial restraint is imposed:
 - An offense triable by a courts-martial has been committed
 - There is probable cause to believe the person to be restrained committed it
 - Restraint is necessary to ensure accused presence at trial or prevent future misconduct
- Four types of pretrial restraint:
 - Conditions on liberty
 - Restriction in lieu of arrest
 - Arrest
 - Confinement



COURTS-MARTIAL



- Summary Courts-Martial
 - Lowest level
 - Used for minor offenses (UA, disrespect)
 - Confinement x30 days or
 - Hard labor w/o conf x45 days
 - Restriction x60 days
 - Forfeiture of 2/3 pay for 1 month (at reduced rank)
 - Reduction to E-1 (Cpls & below)



COURTS-MARTIAL



- Special Courts-Martial
 - Mid level
 - Used for serious offenses but not capital cases (orders violations, bad checks, assault)
 - Confinement for 1 year
 - Forfeiture of 2/3 pay for 1 year
 - Reduction to E-1
 - Bad Conduct Discharge



COURTS-MARTIAL



- General Courts-Martial
 - High level
 - Used for all capital cases (murder, rape, drug distribution)
 - Confinement for life
 - Dishonorable discharge of Bad Conduct
 - Reduction to E-1
 - Death (capital offenses)



OSJA

POINTS OF CONTACT



- Military Justice Officer, Maj Valerie Danyluk
 - Phone: DSN 278-0037
 - E-mail: danylukvc@quantico.usmc.mil
- Legal Chief, GySgt R. Yarborough
 - Phone: DSN 278-3675
 - E-mail: yarboroughrl@quantico.usmc.mil
- Officer Misconduct Officer, 1stLt Ellen Jackman
 - Phone: DSN 278-0590
 - E-mail: jackmanee@quantico.usmc.mil